

SC850. SUBCHAPTER 850
UNEMPLOYMENT COMPENSATION
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SC850. SUBCHAPTER 850

UNEMPLOYMENT COMPENSATION (UC)

- References:
- (a) Chapter 85 of title 5, United States Code
 - (b) [DoD Directive 1400.25](#), "DoD Civilian Personnel Management System," November 25, 1996
 - (c) Title 20, Code of Federal Regulations, Part 609, "Unemployment Compensation for Federal Employees"
 - (d) Department of Labor, "Unemployment Compensation for Federal Employees Instructions for Federal Agencies," March 1995
 - (e) DoD 7000.14-R, "DoD Financial Management Regulation"
 - (f) Civilian Personnel Management Service, "Injury Compensation Unemployment Compensation System User Guide," August 1996
 - (g) 35 Comptroller General 241 (1955)
 - (h) 63 Comptroller General 99 (1983)
 - (i) 65 Comptroller General 865 (1986)

SC850.1. PURPOSE

This Subchapter implements DoD policy and procedures, delegates authority, and assigns responsibility on implementing the DoD Unemployment Compensation for Federal Employees' (UCFE) Program under Chapter 85 of 5 U.S.C. (reference (a)), which provides unemployment compensation (UC) benefits to civilian employees of the Federal Government who are separated from their positions through no fault of their own.

SC850.2. POLICY

It is DoD policy under DoD Directive 1400.25 (reference (b)) to issue uniform civilian personnel policies, procedures, and guidance for the administration of the DoD UCFE Program.

SC850.3. PROGRAM ADMINISTRATION

SC850.3.1. Statutory and Regulatory Controls. Chapter 85 of 5 U.S.C. (reference (a)) established a permanent UCFE Program and it gave the authority of interpreting UCFE law to the Secretary of the Department of Labor (DOL). The Secretary of the

DOL is responsible for providing regulations to implement the UCFE Program. The Secretary's regulations are in 20 CFR 609 (reference (c)). Those regulations are further clarified in the "UCFE Instructions for Federal Agencies" (reference (d)), which is issued by the DOL, Unemployment Insurance Service.

SC850.3.2. State Administration

SC850.3.2.1. Agreements with DOL. The DOL has entered into agreements with all of the States and jurisdictions including the District of Columbia, Puerto Rico, and the Virgin Islands. The agreements provide for the States to administer the UC Programs and allow the State Employment Security Agencies (SESAs) to determine and pay UC claims, review appeals and conduct due process hearings based on the applicable State UC law. The applicable State for a Federal employee generally is the State of the employee's last official duty station prior to filing a claim. Exceptions to this are noted in 20 CFR 609.8 (reference (c)). The SESAs are required to provide UC benefits to former Federal employees in the same amount, and under the same terms and conditions as non-Federal employees. However, the State UC laws are not uniform, and therefore, there are considerable variations in eligibility requirements.

SC850.3.2.2. Overseas Employment. The DOL does not have agreements with any other countries concerning the administration of UC benefits. Therefore, to be eligible for UC benefits, individuals employed overseas must return to one of the 53 State jurisdictions to submit a claim. This includes individuals who performed Federal civilian service in Guam and the American Samoa.

SC850.3.2.3. Federal Agency Responsibilities. 20 CFR 609.20 through 609.26 (reference (c)) describes the responsibilities of the Federal Agencies, as they relate to the UCFE Program.

SC850.4. RESPONSIBILITIES

SC850.4.1. Civilian Personnel Management Service (CPMS). The administration of the DoD UCFE Program is carried out by the Injury and Unemployment Compensation (ICUC) Division of CPMS. The central mission of the ICUC Division is to improve UCFE claims management at the Agency level. That is accomplished by auditing the State itemized listings of UC charges, identifying erroneous charges and requesting credits from the SESAs, and tracking the charges to ensure that credits are received from the appropriate State jurisdictions.

SC850.4.2. DoD Components. The DoD Components are responsible for budgeting for quarterly UCFE charges, and for providing payment for the UCFE charges

to the Defense Finance and Accounting Service (DFAS), thereby allowing DFAS to reimburse the DOL for the amounts owed in accordance with volume 8, chapter 6, FMR Miscellaneous Actions (Special Actions), Paragraph 0601, Unemployment Compensation for Federal Employees, 5 U.S.C. 8509, 20 CFR 609.14 and Chapter IX of the Department of Labor's "UCFE Instructions for Federal Agencies." The DoD Components are responsible for local (installation) level administration and management of the UCFE Program.

SC850.4.3. Civilian Personnel Offices/Human Resource Offices(CPOs/HROs). The UCFE Program involves access to and utilization of civilian personnel data that is covered under the Privacy Act of 1974. Therefore, the CPOs/HROs are responsible for processing and maintaining the various UCFE claims forms, as described in sections SC850.5. and SC850.13., below. Those forms include, but are not limited to, the ES-931, "Request for Wage and Separation Information." The CPOs/HROs are responsible for providing additional information as required by sections SC850.6. and SC850.7., below. Additionally, the CPOs/HROs are responsible for initiating appeals of unwarranted claims, and attending the UC appeals hearings as described in sections SC850.8. through SC850.11., below. The CPOs/HROs are also responsible for providing base-level guidance to staff about the UCFE Program.

SC850.4.4. DFAS. DFAS is responsible for facilitating the consolidation of the UC payments from the DoD Components for the quarterly UC charges, and for issuing a consolidated payment to the DOL through the UCFE fund for the total UC charge for each quarter in accordance with volume 8, chapter 6, FMR Miscellaneous Actions (Special Actions), Paragraph 0601, Unemployment Compensation for Federal Employees, 5 U.S.C. 8509, 20 CFR 609.14 and Chapter IX of the Department of Labor's "UCFE Instructions for Federal Agencies."

SC850.5. UCFE CLAIMS FORMS

There are many different UC claims-related forms that are generated by the SESAs. However, this section shall only address the two primary claims forms, which are the SF-8, "Notice to Federal Employee About Unemployment Insurance," and the ES-931, "Request for Wage and Separation Information." The additional UCFE claims-related forms shall be discussed in section SC850.13., below.

SC850.5.1. SF-8, "Notice to Federal Employee about Unemployment Insurance"

SC850.5.1.1. Description and Purpose. The SF-8, figure [SC850.F1.](#), must be issued by personnel specialists to employees when separated. The SF-8 informs

employees of their right to file a claim for UC benefits; explains the basic eligibility requirements of the UC Program; provides general information about how, where, and when to file an UC claim; and, describes the information the employee shall need to file a claim for UC benefits. The SF-8 provides a space for the personnel specialist to indicate the Federal Identification Code (FIC) that informs the SESA which DoD Component should be charged for the UC benefits. The SF-8 also provides a space for the personnel specialist to insert the address where the UC claims forms should be sent, and a name and telephone number of a contact person that can provide separation information to the SESA, if requested.

SC850.5.1.2. Requirements. The requirements for issuing the SF-8 are in 20 CFR 609.20 (reference (c)) and the "UCFE Instructions for Federal Agencies," chapter V., section 1. (reference (d)). Federal Agencies are required to furnish information to their employees as to their rights and responsibilities under the UCFE Program. To satisfy that requirement, personnel specialists must issue an SF-8 to any employee who is separated; who is or who shall be placed in nonpay status for 7 or more consecutive days; or, who is transferred from one payroll office to another. This requirement pertains only to those employees who are physically transferred from one payroll office to another. It does not pertain to situations where only the employee's records are transferred to another payroll office.

SC850.5.1.2.1. The SF-8 should be issued by the personnel specialist whether or not the separation or nonduty status is voluntary or involuntary in nature. The SF-8 should be issued by the personnel specialist before or at the time of separation. The issuance of the SF-8 should not be delayed until the SF-50, "Notice of Personnel Action," is issued. Those requirements pertain to employees who are stationed overseas as civilian employees and to nonappropriated fund activity employees whether they perform work in or outside the United States.

SC850.5.1.2.2. Additionally, the personnel specialist must ensure that the purpose of the SF-8 is explained to employees before separation, preferably during outprocessing. It is important that the personnel specialist stress to the employees the need to bring the SF-8 with them to the local unemployment office when they file a claim for UC benefits. If the employees do not bring the SF-8 with them when they file a claim for UC benefits, their initial UC payment may be delayed.

SC850.5.1.2.3. Personnel specialists should issue an SF-8 to intermittent employees and employees who work "on call" the first time in each calendar year that they are placed in nonpay status. Personnel specialists should issue an SF-8 to part-time and temporary employees on the last day of work when the appointment expires, or when the first instance of nonpay status occurs.

SC850.5.1.2.4. Personnel specialists are required to provide each newly hired or rehired employee with a statement informing the employee it is his or her responsibility to notify the local unemployment office to discontinue paying UC benefits when the individual has returned to work. That statement is included on the SF-8.

SC850.5.1.3. Completion. The SF-8 should be completed by the UC program administrator in the CPO/HRO.

SC850.5.1.3.1. FIC. The program administrator must provide the three-digit FIC in the space indicated on the SF-8. It is important that the program administrator provide the FIC for the most recent activity for whom the employee worked (the owning Agency), and not the FIC of the servicing personnel office, unless they are the same. The FIC for the Department of the Army is 422; the FIC for the Department of the Navy is 423; and, the FIC for the Department of the Air Force is 424. The FIC for the Department of Defense is 421, excluding employees who work for the Army, the Navy, and the Air Force. Those FIC numbers apply to civilian employees of appropriated fund activities only. The FICs for non-appropriated fund activities (NAFA) are 425 for Department of the Army (NAFA); 427 for Department of the Air Force (NAFA); 429 for the Army and Air Force Exchange Service; 807 for the Navy Exchange Service; 808 for the Navy Club and Recreation System; and 809 for the U.S. Marine Corps Morale, Welfare and Recreation.

SC850.5.1.3.2. Address Block. Two pieces of information are required in that block. First, the program administrator should indicate the complete name of the owning Agency. Then the program administrator should indicate the name and mailing address of the servicing personnel office (the CPO/HRO). It is important for the program administrator to annotate which is the "owning Agency" and which is the "servicing personnel office" since the UC claim should be charged by the SESA to the owning Agency. Additionally, the program administrator should not use any acronyms in the name or address. Instead, all words should be spelled out. The SESA shall send the UC claim forms to the address specified to be processed.

SC850.5.1.3.3. Contact Person. The program administrator should indicate the name and phone number of a contact person in the appropriate block. The contact person should be able to provide additional information about the employee's separation, if requested by the SESA. The complete commercial phone number including the area code, must be provided rather than the Defense Switched Network (DSN) number. If the phone number is for an international number, the program

administrator should indicate so on the SF-8. All of the codes necessary for the international number should be provided by the program administrator.

SC850.5.1.3.4. Base Closures. If a base has or shall be closed, the DoD Component must determine which CPO/HRO shall be responsible for processing the UC claims related forms. Therefore, the program administrator must indicate the address for the designated CPO/HRO in the address block of the SF-8. Additionally, the designated CPO/HRO must have access to pay and separation information.

SC850.5.2. Form ES-931, "Request for Wage and Separation Information"

SC850.5.2.1. Description and Purpose. The ES-931, figure [SC850.F2.](#), is sent by the SESA to the Federal Agency to request wage and separation information for a former Federal employee. The ES-931 is generated by the SESA when a former Federal employee establishes an initial claim for UCFE benefits.

SC850.5.2.1.1. The ES-931 is used to obtain wage information for specific quarters. Most of the SESAs request 6 quarters worth of wages. Four of the quarters comprise the base period. The base period wages are used by the SESA to determine the UC benefit amount for an individual. Most of the SESAs (47 out of 53) use a base period that is composed of the first 4 of the last 5 completed calendar quarters. For example, for a UC claim that is filed in January 1997, the most recent completed calendar quarter would be the quarter ending December 31, 1996. The 4 quarters before that would be the quarters ending December 31, 1995, March 31, 1996, June 30, 1996, and September 30, 1996. Therefore, for that example, the base period would be from October 1, 1995, through September 30, 1996. The lag quarter wages, which are the 2 quarters following the base period, would be the quarters ending December 31, 1996, and March 31, 1997. The SESAs keep the lag quarters of wages on file in case a subsequent UC claim is filed.

SC850.5.2.1.2. Once the ES-931 is completed and returned by the program administrator, the SESA shall determine the claimant's weekly UC benefit amount and maximum UC benefit amount. Each of the SESAs has a different formula that is used to determine the weekly benefit amount. Many of the SESAs stipulate that an individual must have a minimum amount of wages during one or more of the quarters of the base period to meet the minimum wage eligibility requirement. The amount of wages in the base period also determines the number of weeks the claimant shall be eligible to receive UC benefits (known as the duration). The maximum number of weeks for most of the SESAs is 26 weeks. The maximum benefit amount is the weekly benefit amount times the duration. For example, a weekly benefit amount of \$230 times a duration of 26 weeks is equal to a maximum UC benefit amount of \$5,980.

SC850.5.2.1.2.1. Local Office, Claim, and Identifying Information.

The ES-931 generally consists of the local office information, claim information, and three main sections. However, the SESAs are not required to have a uniform format so the formats vary from State-to-State. The local office information generally contains the name or location number of the local office, and the name and telephone number of a local office contact person. The claim information generally consists of the date the new claim was filed (which is also the effective date of the claim) and the date the claim was requested.

SC850.5.2.1.2.2. Section I. Section I. of the ES-931 consists of identification data such as the employee's name, social security number, date of birth, position title, and the place of employment. That section indicates if the employee was a full or part-time employee, whether the Federal Agency address is based on the SF-8, and whether or not the employee received a SF-8.

SC850.5.2.1.2.3. Section II. Section II. of the ES-931 is the Federal Agency reply that requests information such as whether the employee performed "Federal Civilian Service," the duty station of the employee, the quarterly wages earned by the employee, and the duty hours. That section includes information about terminal annual leave payments, severance payments, and separation information including the last date worked, the last day of active pay, and the reason for separation. That section also includes the name, title, and phone number of the Agency representative who completed the ES-931.

SC850.5.2.1.2.4. Section III. Section III. of the ES-931 is completed by the SESA and contains the FIC number for the Agency and the address to which the ES-931 is sent. In most instances that information is obtained by the SESA from the information on the SF-8. However, not all of the SESAs require that an individual submit a SF-8 when an UC claim is filed.

SC850.5.2.2. Requirements. The requirements about the form ES-931 are in 20 CFR 609.21-22, and the "UCFE Instructions for Federal Agencies," chapter VI., sections 1-3 (references (c) and (d)).

SC850.5.2.2.1. The UC program administrator is required to return any requests for Federal findings received from a SESA in 4 workdays of receipt. That applies to the form ES-931 as well as to most other UC claims-related forms sent by the SESAs. Two signed copies of the ES-931 should be returned to the SESA. If the 4-day time limit cannot be met, the SESA should be notified of the delay and the date that form shall be returned.

SC850.5.2.2.2. Additionally, the program administrator is required to maintain a control log of all the UC forms received by the SESAs including the ES-931. The log should include the date the forms are received, the date the forms are returned to the SESA, and the forms that have not been returned in the 4-day period. A copy of the completed ES-931, as well as any other correspondence or forms from the SESA, should be retained for a period of 1 year from the date that form was certified. If an error is discovered within 1 year of the date an ES-931 was sent, action should be taken to correct the error by sending an amended ES-931 to the SESA.

SC850.5.2.3. Completion. The program administrator should complete section II. of the ES-931. The program administrator can complete the ES-931 either manually or by using the ICUC automated support system. The ICUC system consists of a centralized database of key personnel and payroll data. The UC module of the system allows activities to obtain information about quarterly wages, lump-sum annual leave payment, severance pay, and separation information for a particular individual. The UC module also contains a screen that allows the user to print an automated response to the ES-931. The directions for creating and printing a response to the ES-931 are specified in the "ICUC System User Guide," sections 4.3 through 4.3.3 (reference (f)). If the wages or separation information are not available in the ICUC system, then the program administrator must obtain and enter the information manually before printing and returning the automated ES-931 response. When possible, the automated system should be used to respond to the ES-931. The ICUC system should be helpful in ensuring that the ES-931 response is completed in the 4-day time limit. Additionally, if an ES-931 is created on the ICUC system, an electronic log of the date the ES-931 was received and the date it was returned shall be maintained. That shall eliminate the need for a manual log to be maintained.

SC850.5.2.3.1. Section II., Part 1. The program administrator should verify the social security number and employee name. If either item is incorrect, the program administrator should provide the correct information. The first response the Federal Agency must provide is in section II. Section II., part 1., question (a), of the ES-931. This questions asks, "Did this person perform Federal civilian service for your Agency at any time during or after the base period?" The definition of Federal Service is indicated in the "UCFE Instructions for Federal Agencies," chapter III., section 1. (a) (reference (d)). If the program administrator answers "no" to that question, then an explanation must be given. The explanation must provide information as to why the employment is not considered Federal civilian service. For example, if the individual cannot be verified as an employee, or if the individual performed work as a contractor, not as an employee.

SC850.5.2.3.1.1. The SESA shall review the information provided by the Federal Agency to determine if the employment was considered Federal civilian service for UC purposes. Therefore, the response must be as detailed as possible. If possible, the following information should also be provided by the program administrator in the response:

SC850.5.2.3.1.1.1. The legal authority the individual was hired under.

SC850.5.2.3.1.1.2. The funding source used to pay the salary.

SC850.5.2.3.1.1.3. Whether payroll deductions were made for Federal and State taxes.

SC850.5.2.3.1.1.4. Whether or not the employee was eligible for annual or sick leave, health or life insurance, and civil service or other Federal retirement.

SC850.5.2.3.1.2. The duty station should also be indicated (only the State or country is needed). That should correspond to the duty station specified on the SF-50.

SC850.5.2.3.2. Section II., Part 2. Section II., part 2., of the ES-931 requests the base period and lag quarters Federal wages.

SC850.5.2.3.2.1. Federal wages. "Federal wages" is defined as "all remuneration for Federal service including cash allowances and remuneration in any medium other than cash."

SC850.5.2.3.2.1.1. The latter term "remuneration in any medium other than cash" refers to that which the Agency places a cash value on that which is furnished to the worker in reporting his or her gross wages for Federal income tax purposes.

SC850.5.2.3.2.1.2. "Remuneration" includes all payments for sick and annual leave. It includes lump-sum payments for terminal annual leave, which are reported separately on the ES-931.

SC850.5.2.3.2.2. DOL Interpretations of Federal Wages. DOL has made the following interpretations of "Federal Wages."

SC850.5.2.3.2.2.1. Cost of living differentials such as those paid at various foreign posts, and cash allowance for quarters and subsistence are "Federal wages." Exemption of such a differential or allowance from Federal income tax does not exclude it from "Federal wages" required to be reported for purposes of the UCFE Program.

SC850.5.2.3.2.2.2. Back-pay awards constitute wages in the period for which they are paid. Consequently, the payroll specialist must allocate the amount of the reward to the calendar quarter or weeks for which it was paid, rather than report it as a lump-sum when paid.

SC850.5.2.3.2.2.3. Federal Agencies employing civil service annuitants pay remuneration in an amount equal to the difference between the salary rate of the position and the amount of annuity received. The Office of Personnel Management (OPM) continues to pay the annuity. Only the amount paid by the Federal Agency is "Federal wages." The annuity paid by OPM is not "Federal wages" for UCFE purposes.

SC850.5.2.3.2.3. Remuneration that are not "Federal Wages." Reimbursed expenditures for official business such as taxi fares, other transportation costs, per diem in lieu of subsistence, and mileage are not "Federal wages" for UCFE purposes.

SC850.5.2.3.2.4. Reporting Federal Wages

SC850.5.2.3.2.4.1. According to the "UCFE Instructions for Federal Agencies," chapter VI., section 3. (c) (reference (d)), Federal Agencies must report the wages paid during the period requested by the SESA. The payroll specialist should NOT adjust the wages to include the total wages earned in the quarter but not paid for the days remaining between the payroll cutoff date and the ending date of the calendar quarter or period. Section II., part 2. of the ES-931 also requests the duty hours by workday and workweek, and in some cases, the hourly rate of pay.

SC850.5.2.3.2.4.2. The retroactive portion of the increase in rate of compensation provided by Congress is to be allocated by the payroll specialist to the pay period in which it is paid. If the requesting State's base period begins or ends during the pay period in which that payment was made, the entire payment should be allocated by the payroll specialist to the second week of the pay period.

SC850.5.2.3.3. Section II., Part 3

SC850.5.2.3.3.1. Terminal Annual Leave Payments. In section II., part 3. (a) of the ES-931 the terminal annual leave payments should be indicated including the amount of the payment, the number of days and number of hours paid, and the period the terminal annual leave covers.

SC850.5.2.3.3.2. Reason for Separation. In section II., part 3. (b) to (e), the date of separation, last date of active pay, and reason for separation information should be indicated.

SC850.5.2.3.3.2.1. It is important that the information supplied by the program administrator to the SESA concerning the reason for separation or nonpay status be clearly stated in sufficient detail to permit the SESA to make an accurate determination of benefit entitlement. The information needed by the SESAs of the reason for termination or nonpay status can be found on the SF-50, or equivalent document in the section "Nature of Action and Remarks."

SC850.5.2.3.3.2.2. If the employee was not separated but instead was placed in a nonduty, nonpay status subject to recall to work, the program administrator should record the specific reason for such status such as "Laid off, lack of work," along with the date the layoff occurred. If available, the program administrator should include the date the employee is expected to return to work.

SC850.5.2.3.3.3. Severance Pay. Any severance payments should be indicated by the program administrator in section II., part 3. (e). That should include the weekly amount of the payment, the total entitlement, the number of weeks paid, and the beginning and ending dates of the payment. It is important for the program administrator to provide the severance and terminal annual leave information since some of the SESAs deduct these payments from UC benefits.

SC850.5.2.3.4. Certification. The program administrator who completes the ES-931 must sign and date that form. By signing that form the program administrator is certifying that the information is correct and complete. The certifying official must also include his or her title and telephone number in case the SESA representative needs additional information.

SC850.6. OTHER REQUESTS FOR INFORMATION

The SESAs may submit other requests for information, as necessary. That request may be made on a SESA form or by letter. The following sections provide examples of the different types of requests for information that may be received from the SESAs.

Those requests shall vary significantly from State-to-State, and therefore, the directions on the request should be followed.

SC850.6.1. Partial Unemployment. Generally the SESAs provide for the payment of partial UC benefits for employees who are working less than full-time and earning wages less than a specified amount. In those cases, the SESA shall request verification of the number of hours worked and the wages earned by the employee in particular weeks.

SC850.6.2. Requalification for UC Benefits after a Disqualification. In some situations, employees are disqualified for a specific number of weeks or until a certain amount of wages has been earned. The SESAs may then request information about the number of weeks worked and the amount of wages earned to determine if the employee has satisfied the requalification requirement.

SC850.6.3. Benefit Payment Control (BPC)

SC850.6.3.1. Description and Purpose. SESAs may request employment and wage information during a specific period as a way to audit the UC charges. The audit is conducted under the BPC Program to ensure that UC benefits were properly paid. Additionally, the SESAs may request verification of wages if there is reason to believe the employee was claiming UC benefits while employed. If an employee is found to have deliberately falsified wage information to obtain UC benefits, he or she can be held ineligible to receive further benefits. The request shall be submitted on a form similar to the "Request for Employees Earnings Information," figure [SC850.F3](#). That form is not standardized and shall be different from State-to-State. That form should be reviewed carefully and completed as accurately as possible.

SC850.6.3.2. Completion. The "Request for Employee Earnings Information," figure [SC850.F3](#), requests whether the employee performed work during particular week(s). That form should be completed by the UC program administrator. If the employee performed work, the program administrator must indicate the work dates on that form as well as the gross wages earned during the week(s) specified. Additionally, the program administrator should indicate any other payments that were made during the week, such as vacation or retirement pay. That form may also request verification of employment information such as the first and last date worked, and the reason for separation. The program administrator who completes that form must sign and date the form and return it to the SESA, in accordance with the instructions on the form.

SC850.6.4. Quality Control Program. Besides the BPC Program, the SESAs also conduct random samples of UC payments. The random samples are conducted under

the Quality Control (QC) Program of the SESA. The sampling procedures are designed to produce samples that represent all of the UC claims paid by the SESA. Each of the samples represent 1 paid week of UC benefits. That week is known as the "key week."

SC850.6.4.1. Description and Purpose. The "QC Verification of Base-Year Employment," figure [SC850.F4.](#), verifies whether the wages used to establish monetary eligibility for a particular UC claim were accurately reported by the Federal Agency, and were accurately recorded by the SESA. The QC audit also verifies if the employment information was reported accurately.

SC850.6.4.2. Completion. The QC form consists of three main sections; however, the format of that form shall vary from State-to-State. The first section is completed by the SESA and contains identifying information for the employee including the employee's name and social security number. That section also includes the name and address of the Federal Agency. The second and third sections of that form should be completed by the program administrator. The second section requests employment information for the individual. The third section requests payroll information for the base period. The program administrator should provide the gross wages for each quarter specified. The program administrator who completes that form must sign and date that form. By signing that form, the program administrator is certifying that information is true and correct to the best of his or her knowledge.

SC850.6.5. Additional Wages to Qualify for a Second Benefit Year. A SESA may request wage information to determine if an employee has performed subsequent employment and earned wages before a consecutive benefit year can be established. The purpose of that is to ensure that individuals do not qualify for successive UC claims based on the same period of employment.

SC850.7. REQUIRED NOTICES FOR FEDERAL AGENCIES

SC850.7.1. Security Cases. According to the "UCFE Instructions for Federal Agencies," chapter VI, section 8. (a). (reference (d)), the UC program administrator should notify the applicable SESA of any employee who has filed a claim for UC benefits and was separated as a result of a recommendation by the OPM due to a security violation or an unsatisfactory background investigation. The program administrator should also provide a copy of the separation letter to the SESA.

SC850.7.2. Back-Pay Awards

SC850.7.2.1. Federal Agency Responsibility. According to reference (d), when a back-pay award is made, the program administrator should verify whether the

individual has filed a claim for UC benefits in the last 52 weeks. If the program administrator determines the individual has filed an UC claim, the applicable SESA must be notified of the individual's name, social security number, amount of the back-pay award, and the period covered by the award. If an ES-931 claim form is received for an individual who has previously received a back-pay award, the program administrator should include the amount of the back-pay award with the wages that are reported to the SESA on the ES-931.

SC850.7.2.2. SESA Determinations. Once the SESA is informed of a back-pay award, the SESA shall review the claim and determine what affect, if any, the back-pay award shall have on the base period wages. If part or all of the back-pay award falls in the base period of the UC claim, the SESA may request a corrected report of wages including the back-pay award. The SESA shall then reissue a determination indicating the amount of UC benefits the employee is eligible to receive. The SESA shall also determine if the back-pay award covered any period for which the employee claimed or was paid UC benefits. If the SESA determines the back-pay award did cover such a period, then the employee may have been overpaid UC benefits. The overpayment shall be handled by the SESA, in accordance with its UC law.

SC850.7.2.2.1. Back-pay awards are handled by the SESAs in two different ways. In the first situation the SESA may require the employee to repay the UC benefits received during the period of unjustified removal. Therefore, the amount of UC benefits paid during the period covered by the back-pay award should not be deducted by the employing unit from the back-pay award according to 35 C. G. 241 (1955) and reaffirmed by 63 C. G. 99 (1983) (references (g) and (h)). Instead, the SESA shall set up the overpayment on the employee's UC claim. The SESA shall then require the employee to pay the overpayment back. Once the overpayment amount is recovered from the employee, the SESA shall credit the Federal Agency's Federal Employee's Compensation (FEC) account. It may take several quarters before the credit is completely received by the Federal Agency since it shall depend on when the employee repays the amount.

SC850.7.2.2.2. The second situation requires the employer (including Federal Agencies) to reimburse the State for overpaid UC benefits. In that case, the payroll specialist should deduct the amount paid in UC benefits from the back-pay award according to 65 C. G. 865 (1986) (reference (i)). The program administrator is still responsible for providing the SESA with the information on the amount and period of the back-pay award. The SESA shall then provide the Federal Agency with information on the amount and timeperiod the UC benefits were paid to the employee. Once the payroll technician recovers the overpaid amount, the recovered amount should be sent through DFAS to the FEC account of the Department of the Treasury (DOT) to obtain a

credit from the SESA. The credit shall be reflected in the Agency's FEC account in a future quarter. The "State Unemployment Insurance Law Requirements Concerning Back-Pay Awards," figure [SC850.F5.](#), contains a chart showing how each State handles overpayments due to back-pay awards under its law. The program administrator should consult that chart before any action is taken on a back-pay award.

SC850.7.2.3. Terminal Leave Payments to Employees Terminating Nonpay Status. The UC program administrator must determine if an employee who is in nonpay status or who is employed less than full-time, such as an intermittent employee, and who terminates his or her employment and is paid terminal annual leave, has filed a claim for UC benefits. If so, the program administrator should take action to notify the applicable SESA of the employee's name, social security number, the amount of the terminal leave paid, the date on which the payment was made, the number of days and hours that were paid, and the hourly rate of pay used in computing the payments. Once that is received, the SESA may request the Federal Agency to correct the wages on the ES-931.

SC850.7.2.4. Refusal of Employment Offer

SC850.7.2.4.1. Offer or Referral of Work. If an employee who has filed a claim for UC benefits refuses an offer or referral of suitable work, the program administrator must notify the applicable SESA. The refusal must pertain to a specific offer for a specific position that was "successfully conveyed" to the employee. That notice of refusal must include the employee's name, social security number, and specific information about the offer of work. If possible, the program administrator should provide the SESA with a written copy of the offer and the refusal. The notice should include the job duties of the position, the hourly salary, the hours of work, and the reason the employee gave for refusing the work. The program administrator should also provide information to the SESA about the type of job, salary, and duty hours for the position the employee previously held. If an employee refuses an offer or referral of work, but has not filed a claim for UC benefits, then the program administrator should retain the refusal information and return it with the ES-931 if the employee files a claim for UC benefits.

SC850.7.2.4.2. Suitable Work. The SESA will determine whether the work offered or referred was suitable. To determine whether a job was suitable for the employee, the SESA compares the working standards of the job to State and Federal standards, and to the prevailing standards for the job in the local labor market. The SESA also reviews the experience and training of the employee. The SESA shall not find a job suitable if the wages, hours, or other conditions of employment are substantially less favorable than the prevailing conditions in the local labor market. The

job shall also be found not suitable if the position offered was vacant due to a strike, lockout, or other labor dispute, or if, as a condition of employment, the individual must resign from or join a union, or refrain from joining a union or other recognized labor organization.

SC850.7.2.4.3. Good Cause for Refusing. If the SESA determines the job offer or referral was suitable, the SESA must then determine if the individual had good cause to refuse the work. The SESA shall take into consideration the reason the individual refused the offer, such as problems with the wages, hours, or location of the job. The SESA shall also consider the employee's length of unemployment and the availability of other work in the labor market.

SC850.7.2.5. Final Settlement of an Appealed Personnel Action. When the final decision has been received on the appeal of a personnel action, the program administrator should send a copy to the appropriate SESA only if the decision changes the separation information reported by the Agency on the ES-931 or the ES-931A.

SC850.7.2.6. Information on Claims Filed Under the "Federal Employees" Compensation Act. Some of the SESAs disqualify individuals from receiving UC benefits if they are also receiving worker's compensation benefits. Other SESAs deduct the amount of the worker's compensation payment from the UC benefit amount. Therefore, the SESA should be notified if an employee has filed a claim for UC benefits besides filing a claim for worker's compensation benefits (also known as injury compensation). That information should be provided by the program administrator in the "Reason for Separation" section of the ES-931 or the S-931A. If the ES-931 or ES-931A has already been returned to the SESA, the program administrator should send a separate notice to the SESA. The ICUC system shall provide a message if an UC claim is created for an employee who has previously filed a worker's compensation claim.

SC850.8. NOTICES AND DETERMINATIONS

Once the SESA gathers the wage and separation information for an employee, the SESA shall issue determinations concerning individual eligibility for UC benefits. The following sections describe the types of notices and determinations that may be received from the SESAs. The notices and determinations of the appeals process will be discussed in detail in section SC850.9., below.

SC850.8.1. Notice of Financial Determination. "The Notice of Financial Determination," figures [SC850.F6.1.](#) and [SC850.F6.2.,](#) are also known as "monetary

determinations." The purpose of the notice is to inform the employee and the employer of the amount the employee shall be eligible to receive in UC benefits. Generally, the weekly benefit amount and the maximum benefit amount are included on the form. The maximum benefit amount is the weekly benefit amount times the duration (the number of weeks the employee is eligible for UC benefits). In some cases, the wages reported by the employer shall be included on the monetary determination. The program administrator should compare the wages with the wages reported on the ES-931 to ensure that they match. The program administrator may appeal the monetary determination to the first-level appeal authority of the State if the Agency disagrees with the wages on the determination. Procedures for filing an appeal are included on the notice.

SC850.8.2. Notice of Benefit Charges. Some of the SESAs send a "Notice of Benefit Charges," figure [SC850.F7.](#), which indicates the amount of wages paid by each employer in the base period. The title of the form and the format shall vary from State-to-State. That form shows the proportion of the total wages that each employer shall be charged based on the amount of wages attributed to that employer. Since Federal Agencies are required to reimburse the FEC account for the proportionate share of the total wages, the program administrator should notify the SESA if there are any other known sources of wages that are not reflected on the notice of benefit charges.

SC850.8.3. Notice of Nonmonetary Determination. A nonmonetary determination is issued by the SESA when a decision is made about any aspect of the employee's eligibility for benefits (other than monetary considerations).

SC850.8.3.1. Reason for Separation. Figures [SC850.F8.1.](#) and [SC850.F8.2.](#) provide examples of nonmonetary determinations based on the reason for separation. In most cases a determination shall be issued only if the reason for separation was other than a lack of work. However, some of the SESAs do issue a determination if an employee was separated due to a lack of work. The determination shall provide the reason the employee was separated; whether the reason results in a disqualification or a qualification for UC benefits; the section of the UC State law that pertains to the issue; and, the terms of the disqualification, if any. Depending on the reason for separation and the particular State UC law, an individual may be held ineligible for UC benefits for a specified number of weeks, or an individual may be disqualified until subsequent work has been performed for a specified period of time, or until a specified amount of wages have been earned. The program administrator should carefully review all nonmonetary determinations received. If the Agency disagrees with a determination, the program administrator should file an appeal. The determination shall indicate how, where, and when an appeal can be filed.

SC850.8.3.2. Availability for Work. The SESA may issue a determination that the individual is not able to accept work, is not available for work, or is not seeking work. That determination should only be appealed if the program administrator has conflicting information on the employee's availability for work. An example of that would be if the program administrator is aware that the individual is attending school or is temporarily unable to work due to illness.

SC850.8.3.3. Refusal of Suitable Work. A SESA may issue a determination if it is found an individual refused an offer of suitable work or referral to work. The determination shall provide information about the job offer that was refused. The determination shall indicate whether any penalty has been imposed, and if so, the specifics of the penalty. In some cases, the employee shall be held ineligible for the period of time the job was to last; in other cases an employee may be held ineligible until subsequent employment is performed for a specified timeperiod.

SC850.8.3.4. Receipt of Wages, Pension, or Other Payment. Figures [SC850.F9.1.](#) and [SC850.F9.2.](#) provide examples of nonmonetary determinations that are issued when an individual is found ineligible to receive UC benefits for a particular time period due to receipt of wages, pension, severance, or vacation pay.

SC850.9. FIRST-LEVEL APPEALS AND HEARINGS

This section shall describe the notices and determinations associated with the appeals process. This section shall explain how first level hearings are conducted and the steps necessary to adequately prepare for and participate in the appeals process. It is important to remember that the applicable State law shall govern appeals and hearings. Only general procedures common to all jurisdictions are presented herein to serve as a guide. Specific rules may vary by State, therefore, the applicable rules for the particular State must be followed.

SC850.9.1. Appeals from Determinations

SC850.9.1.1. Interested Party Status. Generally, any "interested party" to a determination (monetary or nonmonetary) can file an appeal of a determination if the party disagrees with the decision or if the decision does not accurately reflect the facts. The interested parties to a determination are usually the employee and the last employer for whom the employee worked. However, it is important to note that either party can lose their "interested party" status if they fail to return notices or UC claims forms in the time specified by the SESA. Therefore, it is important for the program administrator to review all forms and notices that are received and to respond in the

required timeperiod to maintain an interested party status for the Agency. Failure to do so may result in waiving the Agency's appeal rights.

SC850.9.1.2. Filing an Appeal. Once a determination is received, the program administrator must review it to decide if an appeal is warranted. If a decision is made to appeal the determination, the program administrator should follow the instructions provided on the determination to initiate the appeal. In most cases the appeal does not have to be filed in person. Instead, the appeal can generally be filed by mail. It is advisable for the program administrator to confer with the servicing legal counselor or legal counsel when considering any appeal.

SC850.9.1.2.1. Time Limits for Filing an Appeal. The requirements for the timely filing of an appeal must be carefully reviewed because they vary from State-to-State. In some jurisdictions the SESAs require an appeal to be received by a certain date, in others the appeal must be postmarked by a certain date. If there is any question, the SESA appeals office should be contacted to verify the time limits for filing an appeal. If there is not enough time to mail the appeal, the SESA should be contacted to see if the appeal can be sent by fax or other electronic means.

SC850.9.1.2.2. Late Appeals. If an appeal is not filed timely, the hearing official shall determine if the party had good cause for submitting the appeal late. The SESAs shall not consider being "too busy" with other work as good cause for an untimely appeal. However, if the Agency received the determination too late to file a timely appeal due to an error by the SESA, such as sending the determination to the wrong address, that information should be included in the request for an appeal. The SESA may consider that as good cause if the State had previously been advised of the correct address for the Agency, as indicated on the SF-8 or on the response to the ES-931. If an appeal is determined to have been filed late without good cause, the hearing official may dismiss the appeal, in which case, no testimony or evidence shall be accepted on the reason for separation.

SC850.9.2. Notice of Appeal. Some SESAs require a specific form to be used to file an appeal. Other SESAs accept an appeal letter that specifically indicates an appeal is requested. Whichever format is used, the program administrator should include the employee's name and social security number on the appeal, along with a copy of the determination being appealed. The appeal request must include a contact person's name and telephone number and verify the correct address to which the "Notice of Hearing" should be sent.

SC850.9.3. Acknowledgment of an Appeal. The SESA may send a "Notice of Receipt of Appeal," figure [SC850.F10.](#), on receipt of a request for an appeal from the

employee or the employer. The "Notice of Receipt of Appeal" shall be sent to both the employee and the employer. The "Notice of Receipt of Appeal" shall generally indicate which party filed the appeal, and the date the appeal was filed. That notice shall inform both parties that an appeal hearing shall be scheduled and another notice shall be sent advising both parties of the date time, and location of the hearing.

SC850.9.4. Notice of Hearing

SC850.9.4.1. Hearing Location. Once the SESA schedules an appeal hearing, a "Notice of Hearing," figure [SC850.F11.](#), shall indicate the date, time, location of the hearing, and whether the hearing will be conducted by telephone or in-person. The program administrator should read the hearing notice carefully to ensure all directions are followed. The hearing notice shall provide information on how to participate in the hearing. If the hearing is scheduled by telephone, the program administrator may have to call the appeals office before a certain time or date to provide the names and telephone numbers of the witnesses who shall attend the hearing. The "Notice of Hearing" shall specify the procedures for presenting witnesses' testimony and any documentary evidence to be considered by the hearings official.

SC850.9.4.2. Requesting a Postponement. The "Notice of Hearing" shall indicate how to request a postponement of the hearing. A postponement should be requested if the individual with first-hand knowledge of the situation is not able to attend the hearing. A postponement shall not automatically be granted. If a postponement is necessary, the program administrator should request a postponement to the appeals office as soon as possible. Until a postponement is granted, it should be assumed the hearing shall be held as scheduled and the program administrator should continue to prepare for the hearing.

SC850.9.5. Preparation for a First-Level Appeal Hearing

SC850.9.5.1. Beginning Preparation. The program administrator should not wait until the "Notice of Hearing" is received to begin preparing for an appeal hearing. In some cases the "Notice of Hearing" may not be received until a few days before the hearing is scheduled. That may not allow enough time for the witnesses to be contacted or for preparation of the documents to be submitted as exhibits. Preparation for an appeal hearing should begin when a decision is made to file an appeal by the Agency or when the "Notice of Appeal" is received indicating the employee has filed an appeal.

SC850.9.5.2. Determining Witnesses for the Hearing. The Agency witnesses that attend a UC appeal hearing should have first-hand knowledge of the events surrounding the situation that is under appeal. For example, if the issue under appeal

involves wages such as how much an employee was paid and when, the individual with first-hand knowledge would probably be the payroll or time and attendance representative. In situations involving a resignation, the first-line supervisor or the servicing personnel specialist would generally have the most knowledge of the reasons given by the employee for resigning. In situations involving a discharge, the first-line supervisor, and if different, the proposing official, will usually be needed to prove misconduct. The second-line supervisor and the deciding official may also be needed to provide testimony if they had first-hand knowledge of the events that resulted in the discharge. Only testimony based on first-hand knowledge should be presented. The hearing official may not accept evidence that is considered hearsay.

SC850.9.5.3. Preparation of the Witnesses. Once witnesses are identified, the program administrator must ensure the witnesses shall be available to attend the hearing. If any witness is not available to attend the hearing, the program administrator should take action to request a postponement, as described in paragraph SC850.9., above.

SC850.9.5.3.1. Designating an "Employer Representative." Many of the SESAs allow both the employer and the employee to have a representative at the appeal hearing. The program administrator should verify that with the particular SESA before the hearing. The program administrator should also verify whether or not the representative must be an attorney. Most of the SESAs do not require a representative to be an attorney, however some SESAs do. If a representative is allowed, a person who is familiar with the issue under appeal must be designated as the "employer representative." The program administrator should notify the SESA before the hearing of the name, title, and phone number of the employer representative, and of the other witnesses. Even if an attorney representative is not required, the UC program administrator should contact the appropriate legal office of the installation for advice and assistance at all stages of this process.

SC850.9.5.3.2. Duties of the Representative. It is advantageous to designate an "employer representative" for the appeal hearing since that individual shall have the opportunity to direct the testimony of the employer's witnesses, to cross-examine the employee and the employee's witnesses, and to offer documents as exhibits during the appeal hearing. The representative is generally also allowed to be present during the entire hearing process while other witnesses may be sequestered and, therefore, may not hear the other witnesses' testimony. If an employer representative is not designated, the appeals officer will generally assist both parties in posing questions to the opposing party. In some jurisdictions, if the employer representative has first-hand knowledge of the situation under appeal, the employer representative can also serve as a witness and present testimony. In some cases, that individual may be the

employer representative besides being the only witness. Therefore, that person shall provide all the testimony for the employer and cross-examine the employee.

SC850.9.5.3.3. Initial Preparation. The employer representative for the appeal hearing should meet with the other employer witnesses before the hearing. During the meeting, the representative and witnesses should determine what testimony shall be provided during the hearing and who shall provide what testimony. Additionally, it should also be determined which documents shall be offered as exhibits during the hearing.

SC850.9.5.4. Preparation of Exhibits. The issue under appeal shall determine which documents should be offered as exhibits. For example, for an appeal of wages reflected on the monetary determination, payroll records for the period in question should be offered as exhibits. The employer representative should ensure that all witnesses who will testify about information contained in a document have ample opportunity to review the document before the hearing. Examples of various situations and the documents typically required to establish proof follow:

SC850.9.5.4.1. Voluntary Resignation Situations. In voluntary resignation situations, the resignation SF-52, "Request for Personnel Action," should be entered by the employer representative as an exhibit during the appeal hearing, as well as any resignation letter submitted by the employee. In those cases, the SF-52 is better than the SF-50, since the employee should have signed and annotated the SF-52 with a reason for resigning. In voluntary resignation situations most SESAs presume the resignation was voluntary and place the burden of proof on the employee to show otherwise. However, some SESAs such as the District of Columbia, do not presume a resignation to be voluntary, and the employer must prove it was. One way to do that is for the employer representative to submit the SF-52 as an exhibit. Additionally, if the employee resigned because he or she was not satisfied with the conditions of employment, documents such as the position description or vacancy announcement that indicate the conditions of employment should be submitted by the employer representative as evidence.

SC850.9.5.4.2. Voluntary Separation Incentive Payment (VSIP) Separation. Employees who resign or retire to accept a VSIP are considered by the CPMS, ICUC Division, to have left voluntarily. Some of the SESAs have granted UC benefits to employees who separated for that reason. CPMS, ICUC Division, recommends that the UC program administrator file a timely appeal against decisions qualifying employees who separated to accept a VSIP. The VSIP notice indicating the voluntary nature of the program, as well as the application for the VSIP signed by the employee, should be submitted as exhibits for the appeal hearing by the employer

representative. Additionally, any documents that demonstrate that there would have been continuing employment available to the employee if he or she had not voluntarily separated, should also be submitted as evidence by the employer representative. That should include information about retention rights during a reduction in force (RIF). Those documents are necessary since the Agency must prove that the employee voluntarily separated, and that continuing work would have been available to the employee. Some of the SESAs weigh the potential earnings (including severance pay in case of a RIF) against the VSIP payment to determine if the employee had good cause to resign. In those cases, information that shows how much the employee would have earned if he or she had not separated, but continued to work should be offered as evidence by the employer representative. That information is necessary because some of the SESAs weigh the potential earnings (including severance pay in case of a RIF) against the VSIP payment to determine if the employee had good cause to quit.

SC850.9.5.4.3. Discharge Situations. In discharge situations, the burden of proof is on the employer to show by a preponderance of the evidence that the employee was discharged for misconduct connected with the work. Therefore, any documents that support a finding of misconduct should be offered as evidence by the employer representative. That should include the notice of proposed removal, the decision of removal, and other documents from the adverse action file that support the removal including verbal or written warnings, letters of reprimand, and a proposal and notice of suspension, if applicable.

SC850.9.5.4.3.1. Absent Without Official Leave (AWOL). Additionally, for employees who are discharged due to being AWOL, any records such as time sheets, payroll records, or sign-in sheets should be submitted as evidence by the employer representative. Any documentation that provides information about the office policy on attendance should also be submitted. That could include the standards of conduct, employee handbook, or copies of memorandum from the supervisor specifying office policy.

SC850.9.5.4.3.2. Falsification. In situations involving a falsification of records, the documents or reports that were falsified should be entered as exhibits by the employer representative. For example, for an employee who was discharged due to falsification of a SF-171, "Application for Federal Employment," a copy of the SF-171 should be submitted by the employer representative as evidence for the hearing. Additionally, any documents that notified the employee he or she could be discharged for falsifying applications or reports, should be submitted as evidence by the employer representative. That could include a table of offenses and penalties or standards of conduct.

SC850.9.5.4.3.3. Unsatisfactory Performance. If an employee is discharged due to unsatisfactory performance, he or she usually will be eligible for UC benefits. The SESAs shall not disqualify an individual from UC benefits based on this reason for separation unless it can be proved that the unsatisfactory performance was due to misconduct.

SC850.9.5.5. Submission of Exhibits. The employer witnesses and the employer representative should each have a copy of the exhibits and they should be familiar with the contents of the exhibits and the order in which the documents shall be entered as evidence into the appeal hearing.

SC850.9.5.5.1. In-Person Hearings. The employer representative must bring at least two extra copies of the documents to the hearing. One copy should be given by the employer representative to the hearing official. The other copy should be given by the employer representative to the employee or his or her representative. Neither of those copies shall be returned.

SC850.9.5.5.2. Telephonic Hearings. For telephonic hearings, the employer representative should send the documents to the hearing official when the appeal is filed, or if the claimant appealed, when the "Notice of Appeal" is received. The documents must be received by the hearing official before the date of the hearing. The employer representative must also send a copy of the documents to the employee before the hearing date. The hearing official can refuse to accept documents if a copy has not previously been provided to the opposing party.

SC850.9.6. General Hearing Procedures. The first-level appeal hearing is an informal hearing, however, certain procedures are followed. The hearing official informs both parties of the procedures that shall be followed during the hearing. The hearing official is responsible for conducting the hearing and issuing a determination based on the testimony and evidence presented during the appeal hearing.

SC850.9.6.1. Initial Procedures. Generally the hearing official begins the hearing by calling both parties into the hearing room. If there are several witnesses, the hearing official may bring only the representative and the main witness for both parties into the hearing room to begin the hearing. The other witnesses shall be called into the hearing room only when it is their turn to provide testimony. Once both parties are present, the hearing official shall explain the procedures of the hearing. The way the hearing is conducted shall vary slightly depending on the hearing official. However, major procedures are consistent in all SESAs. For example, the hearing shall be tape recorded and any person who provides testimony shall be placed under oath. The

hearing official shall also determine which party shall provide their testimony first. In most cases the party that has the burden of proof gives their evidence first. Therefore, in a voluntary resignation situation the employee would give his or her testimony first. In a discharge situation the employer's testimony would be provided first. However, some hearing officials may direct the appealing party to provide testimony first. The hearing official shall generally set up a conference call before a telephonic hearing. It is imperative that the employer representative provide the phone numbers for the witnesses to the appeals office before the start of the hearing. Some of the SESAs require the phone numbers to be provided the day before the hearing so the employer representative must read the hearing notice carefully. If there is more than one witness, the hearing official may keep the other witnesses on hold until it is time for them to present their testimony.

SC850.9.6.1.1. If an "employer representative" has been designated, he or she will be responsible for answering questions from the hearing official about the procedures of the hearing. The other witnesses should not speak during the hearing except as directed to provide testimony, to answer questions directed to them by the hearing official, or to respond to questions under cross-examination by the opposing party.

SC850.9.6.1.2. Once the witnesses have been placed under oath, the hearing official shall ask both parties questions about the issue under appeal. The hearing official cannot take testimony on an issue unless the issue has been identified and agreed to by both parties before the beginning of the hearing. For example, if an employee resigned but then indicated during the hearing he resigned instead of being discharged, the hearing official may decide the separation should actually be considered a discharge rather than a voluntary resignation so that issue shall be included for the hearing if both parties agree. If the parties do not agree, the hearing shall have to be rescheduled and the new issue identified on the "Notice of Hearing." To prevent that from happening, most of the SESAs now identify both voluntary resignation and discharge as possible issues on the initial "Notice of Hearing."

SC850.9.6.1.3. The hearing official must also verify personnel data from both of the parties. That generally includes the employee's title, rate of pay, date started work (date of accession), the last date the employee performed work, the date of separation, and whether the employee performed full-time or part-time work. The first witness for the employer is usually asked to provide that information. The employer representative, if designated, should inform the first witness that they shall need to have that information readily accessible during the hearing.

SC850.9.6.1.4. The procedure that is generally followed for the testimony is the hearing official begins by asking the witness questions on the issue under appeal. Then if an "employer representative" has been designated, the representative may ask the witness additional questions. The hearing official shall issue a decision on the issue based on the weight of the evidence. Anytime verbal testimony can be corroborated by written documentation that should be done. For example, if the witness is explaining the reason an employee was discharged, the witness should also refer to the proposal and decision to remove. Those documents should not be read word-for-word into the record, instead they should be used to strengthen the verbal testimony. Once the representative is finished asking the witness questions, the opposing party shall have the opportunity to cross-examine the witness. After cross-examination, the hearing official may have additional questions for the witness. If necessary, the representative shall also have an opportunity to ask rebuttal questions. That procedure is followed for each of the witnesses providing testimony for both parties. However, the hearing official may ask additional questions of either party at anytime during the hearing. "Sample Questions for Appeal Hearings," figure [SC850.F12.](#), provides examples of the types of questions that should be asked during appeals hearings.

SC850.9.6.2. Closing Procedures. Once the testimony and cross-examination are completed, the hearing official shall ask if there are any closing statements. The employer representative or main witness can provide a closing argument for the employer. The closing argument should be a summary of the main points of the employer's case, and should indicate why the employer believes the individual should be disqualified from receiving UC benefits. New testimony may not be presented during the closing argument, nor may the representative comment about evidence that has not been presented at the hearing. Once the closing arguments are completed, the hearing official shall dismiss the hearing. The hearing official shall not provide a decision immediately after the hearing; instead, both parties shall receive a written decision through the mail.

SC850.9.7. Hearing Official's Decision

SC850.9.7.1. Description and Purpose. The "Hearing Official's Decision," figure [SC850.F13.](#), contains the first-level hearing official's findings of fact, reasoning, and decision about a determination that was appealed either by the employee or the employer. The findings of fact generally provides a summary of the main points made by both parties during the appeal hearing. The reasoning explains why the hearing official came to a certain conclusion based on the particular State's UC law. The decision shall indicate whether the employee is qualified or disqualified from receiving

UC benefits. The decision shall also indicate if there are any provisions to the disqualification such as if the employee shall be held ineligible from receiving UC benefits for a certain number of weeks or until the employee performs work and earns a specified amount of money. The name of that notice shall differ from State to State. The following are examples of different names of that form: "Hearing Examiner's Decision," "Decision of Administrative Law Judge," "Decision of Administrative Hearing Officer," "Referee's Decision," and "Appeals Examiner's Decision."

SC850.9.7.2. Identifying Information. The notice shall provide identifying information such as the employee's name, social security number, and in some cases, the appeal docket number. The notice shall also identify the issue(s) that were under appeal and the applicable section of the State UC law that pertains to the item(s) under appeal. In most cases the notice shall indicate which party filed the appeal, the date the appeal was filed, and the date the hearing was held.

SC850.9.7.3. Additional Appeal Rights. The appeal decision shall specify the additional appeal rights available to both parties. If the Federal Agency disagrees with the first-level hearing official's decision, the program administrator should read the notice carefully to determine the additional appeals rights. Most of the SESAs have two levels of administrative hearings, a first-level appeal and a second-level appeal, though some SESAs have only one level.

SC850.10. SECOND-LEVEL APPEALS

SC850.10.1. If the decision is made to file an appeal to the second level, the program administrator must follow the appeal procedures to ensure that the appeal shall be filed timely and all requirements shall be met. In most cases, a letter can be sent to the second-level appeals office requesting an appeal. A second-level appeal is also known as a "commission appeal" or an "appeal to the Board of Review." Generally, an additional hearing shall not be scheduled for a second-level appeal. A second hearing shall only be scheduled if a request for an additional hearing is approved based on discovery of additional evidence that was not available at the first-level hearing. The appeals Board shall not schedule another hearing to accept evidence that could have been presented at the first-level hearing through due diligence. If an additional hearing is not scheduled, the appeals Board may allow written or verbal argument to be accepted. The written or verbal argument cannot provide any new testimony or evidence. Instead, it can only argue testimony and evidence submitted at the first-level appeal hearing. If a second-level hearing is scheduled, the hearing is usually held in person at the central office of the SESA.

SC850.10.2. The second-level appeal usually consists of a review of the testimony and evidence presented at the first-level appeal hearing by a panel of three special examiners. The panel shall also review the oral or written argument, if presented, and the additional testimony or evidence, if accepted. Once the panel reviews all the information, the panel shall issue a new decision indicating the applicable statute of the UC law, and its findings and conclusions. The first-level decision can be upheld, reversed, or modified. The "Second-Level Appeals Decision," figure [SC850.F14.](#), is an example of that decision.

SC850.11. JUDICIAL REVIEW

If the Agency disagrees with the second-level decision (or the first level in those States that have only one administrative hearing) an appeal can be filed with the appropriate State court for judicial review. The time limit for filing an appeal ranges from 10 days to 6 months, therefore the appeal instructions on the second-level decision must be reviewed carefully to ensure that the appeal is filed timely. Additionally, the second-level decision shall also indicate to what court the appeal should be filed. That could be the Circuit Court, District Court, Superior Court or other court depending on the particular State. The Agency must be represented by a Justice Department attorney in any court proceeding.

SC850.12. BILLING OF UC CHARGES

SC850.12.1. SESAs Responsibilities. SESAs are responsible for paying UC benefits to former Federal employees. The DOL either advances or reimburses the SESAs for the UCFE benefits. The SESAs compile a list of total UCFE payments attributable to each Federal Agency and forward that list to the DOL. That quarterly statement of charges is known as the "Employment and Training Administration (ETA) 191 Report." The information sent by the SESAs on the ETA 191 reflects the total charge for each Federal Agency. It does not include specific information such as the names, social security numbers, and amount of charges for each individual. The SESAs, upon request of the Federal Agency, send a list of the specific charge information known as the "detailed benefit of charges" or "State detail." Figure [SC850.F15.](#), "Quarterly Details of UCFE Charges," provides examples of the State details. The quarterly detail of charges includes the name, social security number, and charge for each individual who was paid UCFE benefits attributable to that FIC.

SC850.12.2. DOL Responsibilities. Once the charges are received from the SESAs, the DOL compiles all of the charges from each of the SESAs and sends each

Federal Agency a bill by State. That bill is known as the "Statement of Expenditures of Federal Funds for Reimbursable Unemployment Compensation Benefits Paid to UCFE Claimants," figure [SC850.F16](#). That "bill" is sent to each Federal Agency approximately 2 months after the end of a quarter. The DOL also certifies to the DOT on a quarterly basis the amounts due from each Federal Agency.

SC850.12.3. Federal Agency Responsibilities

SC850.12.3.1. DoD Component Budget Offices. Federal Agencies have 30 days from the date the bill is sent by the DOL to submit a payment for the UCFE charges. The budget offices of the DoD Components are responsible for advising DFAS to issue the payment to the FEC account of the DOT. The DoD Component budget offices must pay the total amount of charges indicated on the quarterly bill from the DOL. If an error is found in the amount charged, the program administrator must bring this to the attention of the CPMS, ICUC Division, who shall then notify the SESA of the discrepancy. Additionally, the DoD Components are responsible for paying all bills each quarter. In some cases, adjustments are made and an initial, supplemental, and final bill may be received for a particular quarter.

SC850.12.3.2. CPMS, ICUC Division. The CPMS, ICUC Division, is responsible for auditing the UC charges. As a result, the CPMS, ICUC Division has requested the SESAs to submit the quarterly details of UCFE charges for the Department of Defense, the Army, the Navy, and the Air Force directly to the CPMS, ICUC Division. As the details are received, the CPMS, ICUC staff inputs the charges from the details into the benefits collection screens of the ICUC system. While the charges are being input, the CPMS, ICUC staff ensures that the correct DoD Component has been charged by the SESA. If a DoD Component has been charged incorrectly, the CPMS, ICUC Division notifies the SESA to charge the correct DoD Component and to credit the DoD Component that was incorrectly charged. Additionally, the CPMS, ICUC Division takes action to obtain credits from the SESAs for erroneous charges such as for individuals who cannot be identified as "former DoD employees."

SC850.12.3.3. DFAS. DFAS is responsible for obtaining the quarterly UC charge payments from the DoD Components and issuing a consolidated payment to the DOL. The payment is made to the UCFE Trust Fund, which is administered by the DOT. The DOT then notifies the DOL of the amount that was paid by each Federal Agency.

SC850.13. ADDITIONAL UCFE CLAIMS FORMS

SC850.13.1. Form ES-931A, "Request for Separation Information for Additional UCFE Claim"

SC850.13.1.1. Description and Purpose. Form ES-931A, figure [SC850.F17.](#), is sent by the SESA to request separation or nonpay status information for an individual who has previously established an UC claim for benefits. UC claims are generally valid for 1 year. Therefore, anytime an individual performs subsequent employment and reopens his or her UCFE claim during the benefit year, a form ES-931A is sent rather than a form ES-931. The ES-931A consists of local office, claim information, and three main sections.

SC850.13.1.1.1. Local Office and Claim Information. The ES-931A contains the local office number, a contact person name and telephone number, the date the additional claim was filed, the date the initial claim was filed, and the date the ES-931A was requested.

SC850.13.1.1.2. Section I. Section I. of the ES-931A contains the identification data such as the employee's name, social security number, date of birth, position title, place of employment, separation date, whether the address used by the SESA is based on a SF-8, and whether the employee was a full-time or part-time employee.

SC850.13.1.1.3. Section II. Section II. requests information on whether the individual performed Federal civilian service, whether terminal annual leave or a severance payment was or shall be issued, and the separation or nonpay status information. That section also includes a certification section and the address and FIC code for the Federal Agency.

SC850.13.1.1.4. Section III. Section III. of the ES-931A provides the Federal Agency name, address, and FIC account number to which the SESA sent the ES-931A.

SC850.13.1.2. Requirements. The ES-931A follows the same requirements specified for the ES-931 in paragraph SC850.5.2.2., above. Those requirements include returning two signed copies of the ES-931A in 4 workdays of receipt, and retaining a copy of the completed ES-931A for a period of 1 year.

SC850.13.1.3. Completion. The UC program administrator should complete section II. of the ES-931A.

SC850.13.1.3.1. Section II., Part 1. The format of section II., part 1. of the ES-931A is similar to section II., part 1. of the ES-931. Question 1(a) of section II., part 1. of the ES-931A asks whether the individual performed Federal civilian service. If the program administrator answers "yes" to the question, nothing further is required for that part. If the program administrator answers "no," then an explanation must be provided. The explanation for that question should follow the guidelines specified for the ES-931 in paragraph SC850.5.2.3., above.

SC850.13.1.3.2. Section II., Part 2. The next item asks the Federal Agency to verify that the identification information including the name and social security number for the employee are correct. If the information is not correct, the program administrator should provide the correct information in section II., part 2. of the ES-931A.

SC850.13.1.3.3. Section II., Part 3. Section II., part 3., of the ES-931A does not ask for wage information as the ES-931 does. Wage information is not needed for the ES-931A since an UC claim has previously been established. Instead, part 3. requests information about whether a terminal annual leave payment was paid, the date of the payment, the days of leave paid, the amount of the payment, the number of hours of leave, and the beginning and ending dates of the annual leave.

SC850.13.1.3.3.1. Part 3. also requests separation information including the date of separation, the last date of active pay, and the reason for separation. Additionally, severance pay information is requested including the total amount of severance payable, the weekly entitlement, the number of weeks paid, and the beginning and ending dates of the severance payment.

SC850.13.1.3.3.2. The Agency representative who completes the ES-931A must sign and date the form, and provide his or her title and telephone number. By signing the ES-931A, the Agency representative is certifying that the information is correct and complete to the best of his or her knowledge.

SC850.13.2. Form ES-933, "Request for Information Regarding Claims Filed Under the Federal Employees' Compensation Act"

SC850.13.2.1. Description and Purpose. The ES-933, figure [SC850.F18.](#), is sent by the SESA to the Office of Workers' Compensation Programs (OWCP) of the Employment Standards Administration of the DOL. That form is sent to request information from OWCP about whether an individual who has filed a claim for UC benefits, has also filed a claim for worker's compensation benefits.

SC850.13.2.2. Completion. The ES-933 is to be completed by OWCP and not the Federal Agencies. If that form is received in error, the program administrator should forward it to the OWCP district office.

SC850.13.2.3. Form ES-934, "Request for Information or Reconsideration of Federal Findings - UCFE"

SC850.13.3.1. Description and Purpose. The ES-934, figure [SC850.F19.](#), is sent by the SESA to request additional information from the Federal Agency. The ES-934 is sent when the information provided by the Federal Agency on the ES-931 or ES-931A is inadequate. That form may also be sent at the request of the employee to obtain additional information from the Federal Agency or to request a reconsideration of the Federal findings. The ES-934 consists of three main sections.

SC850.13.3.1.1. Section I. Section I. of the ES-934 is completed by the SESA and consists of identification data including the employee's name, social security number, date of birth, position title, place of employment, the Federal Agency name and address, FIC number, the original request date of the ES-931 or ES-931A, and whether the employee worked full-time or part-time.

SC850.13.3.1.2. Section II. Section II. of the ES-934 is also completed by the SESA representative and contains the information to be verified, the supporting documents submitted by the employee, if any, and the signature of the SESA representative.

SC850.13.3.1.3. Section III. Section III. of the ES-934 consists of the Federal Agency's reply to the request for information and the certification of the individual completing that form.

SC850.13.3.2. Requirements. The ES-934 requires the same reporting and retention requirements as the ES-931 as specified in paragraph SC13.2.2., above. The ES-934 should be returned within 4 workdays of receipt, since the SESA cannot issue a determination on the UC claim until the discrepancy in the findings is resolved.

SC850.13.3.3. Completion. The program administrator should complete section III. of the ES-934. That response shall depend on the information that is specified by the SESA. The SESA may request the Federal Agency to reconsider the initial findings. An example of that would be if the employee disagrees with the wages reported on the ES-931 and submits documentation indicating the wages reported were incorrect. In that case the program administrator should verify the wages reported on the ES-931 and report the correct wages on the ES-934.

SC850.13.3.3.1. In some cases, the SESA may ask the Federal Agency to provide additional information. An example of that would be if the reason for separation on the ES-931 indicated only "termination." Additional information would be needed by the SESA to determine whether the termination was due to unsatisfactory performance or misconduct.

SC850.13.3.3.2. The program administrator who completes the form must sign and date the form, and indicate his or her name, title, and the date the form was completed.

SC850.13.4. Form ES-935, "Claimant's Affidavit of Federal Civilian Service, Wages, and Reason for Separation"

SC850.13.4.1. Description and Purpose. The ES-935, figure [SC850.F20.](#), is completed during the initial UC claims process. That form is completed by the employee and is an affidavit of Federal civilian service, wages, and the reason for separation. Generally, the ES-935 is submitted by the SESA with the ES-931 for an initial claim or the ES-931A for an additional claim. In some cases, the SESA shall combine the information on the ES-935 with a printout of the ES-931 and, therefore, the ES-935 shall not be received as a separate form. If the ES-935 is received on a separate form, it should contain the local office, claim, identifying information and two other sections.

SC850.13.4.1.1. Local Office, Claim, and Identifying Information. The ES-935 indicates the local office number; contact person name and telephone number; and the employee's name, social security number, and date of birth. The claim information section also indicates whether the claim is an initial claim or an additional claim, the effective date of the claim, and the dates of employment.

SC850.13.4.1.2. Section I. Section I. of the ES-935 provides the base period wages as estimated by the employee, and the documentary evidence (such as a W-2 form or earnings and leave statement) provided by the employee. The second part of that section indicates the employee's estimation of any severance payments.

SC850.13.4.1.3. Section II. In that section the employee indicates the reason he or she was separated from the position. The employee also certifies that the information provided on the ES-935 is true and correct.

SC850.13.4.2. Requirements. According to the "UCFE Instructions for Federal Agencies," chapter VI., section 6. (reference (d)), if the completed ES-931 is not received by the SESA in 12 days after the ES-931 was sent to the Federal Agency,

the SESA shall use the information on the ES-935 to issue any monetary or nonmonetary decisions. That means that the UC claim shall be established without input from the Federal Agency. That reiterates the need for the program administrator to return the ES-931 in the prescribed timeperiod.

SC850.13.4.3. Completion. Federal Agencies are not required to complete any information on the ES-935. Instead, the program administrator should compare the ES-935 with the information provided on the completed ES-931 Form. If the information on the two forms is different, the program administrator should send a rebuttal to the SESA. If the ES-931 has not been sent, sending it shall take the place of a rebuttal.

SC850.13.5. Form ES-936, "Request for Verification of UCFE Wage and Separation Information Furnished on Form ES-931"

SC850.13.5.1. Description and Purpose. The ES-936, figure [SC850.F21.](#), is sent by the SESA to verify that the ES-931 forms are being completed accurately. The ES-936 also provides the Federal Agency with an opportunity to request technical assistance about the UCFE Program. The ES-936 is sent by the SESAs to satisfy a request from the DOL that the SESAs periodically verify the accuracy of information furnished by Federal Agencies on the ES-931. The ES-936 is composed of two main sections besides the local office and claim information.

SC850.13.5.1.1. Local Office and Claim Information. The local office information contains the SESA representative name, phone number, and the local office name, and number. That part also indicates the date the new claim was effective and the date the ES-931 was requested.

SC850.13.5.1.2. Section I. Section I. of the ES-936 contains the identification data that includes the employee's name, social security number, birth date, position title, place of employment, the separation date provided by the employee, the Federal Agency address, and FIC number.

SC850.13.5.1.3. Section II. Section II. of the ES-936 consists of questions about the ES-931 and the Federal Agency's reply including the certification information.

SC850.13.5.2. Requirements. The ES-936 requires the same response and retention controls as the ES-931, i.e., to return the completed form in 4 workdays of receipt and to maintain a copy of the completed form for 1 year from the date of certification. Additionally, since that form is meant to verify the information furnished

on the ES-931, the individual who completes that form should NOT be the same individual who completed and certified the ES-931.

SC850.13.5.3. Completion. The UC program administrator should complete section II. of the ES-936. To complete the ES-936, the program administrator must retrieve the Agency copy of the ES-931. Then the program administrator must obtain current payroll and separation information. Most of the questions on the ES-936 are "yes" or "no" questions and are self-explanatory.

SC850.13.5.3.1. Section II

SC850.13.5.3.1.1. Question 1.(a) of section II. asks whether or not the Agency has payroll records for this individual. If the program administrator answers "no" then an explanation must be given. Question 1.(b) requests wages to be provided for a period specified by the SESA. The program administrator should obtain the wages from the current payroll records rather than copy the wages from the ES-931. This ensures that the wages previously reported on the ES-931 are still accurate. In some cases adjustments may have been made to the wages since the ES-931 was submitted.

SC850.13.5.3.1.2. Question 2. asks if the Agency has a copy of the ES-931. If the ES-931 cannot be located the program administrator must indicate why on ES-936. The program administrator should not create a new ES-931 on the ICUC system. Question 3. asks if the Agency has a file to maintain the completed ES-931 forms. The answer should be "yes" since the ES-931 forms should be maintained for a period of at least 1 year. Question 4. asks if the State (or country) indicated on the ES-931 is the same as the "Duty Station" shown on the SF-50.

SC850.13.5.3.1.3. Question 5. asks if severance pay or lump sum payment for terminal annual leave was reported separately on the ES-931 and not included as base period wages. If the program administrator answers "no" then an explanation should be given. As indicated in paragraph SC850.5.2.3., above, the program administrator should not include severance pay and terminal annual leave payment in the base period wages. Question 6. asks if the reason for separation reported on the ES-931 was at least as complete as the information indicated in the SF-50, "Nature of Action" and "Remarks," sections. If the answer to that question is "no," then the program administrator should indicate the source used to complete the ES-931. Question 7. requests the date the ES-931 was completed and certified.

SC850.13.5.3.1.4. Question 8. asks if the instructions issued by the Agency's headquarters on the UCFE Program have been received. The program

administrator should answer "yes" to that question since this Subchapter serves as the Department of Defense's instructions for the UCFE Program. Question 9. asks if any errors were found in the ES-931. If any errors or discrepancies were found, the program administrator should indicate so in the item titled "Remarks by Federal Agency." The program administrator should include the corrected information as well as the reason for the discrepancy, such as an adjustment to the wages.

SC850.13.5.3.2. Certification. The next part requires the individual who completed the ES-936 to sign and date the form, indicate his or her title, and the name and address of the Federal Agency. The final part of that form asks if the Federal Agency would like a representative of the SESA to arrange a visit to discuss the responsibilities of the UCFE Program. The program administrator should contact the CPMS, ICUC Division before answering "yes" to that question.

SC850.13.6. Form ES-939, "UCFE Program - Federal Agency Visit Report"

SC850.13.6.1. Description and Purpose. The ES-939, figure [SC850.F22.](#), is completed when the DOL or SESA staff visit a Federal Agency to conduct a review or evaluation of the Agency's UC Program. Both the DOL and the SESAs shall visit Federal Agencies periodically to evaluate the UC operations. The SESA staff shall conduct a review if requested by the Federal Agency on the ES-936, "Request for Verification of UCFE Wage and Separation Information Furnished on Form ES-931," figure [SC850.F21.](#) Additionally, SESAs shall also visit a Federal Agency to obtain corrections in wage or separation information reported in specific cases and to familiarize Federal Agency staff with UCFE Program requirements. The ES-939 contains questions about the Federal Agency's basic UC Program responsibilities. The form consists of two main sections.

SC850.13.6.1.1. Section I. Identification Data. Section I. consists of the Federal Agency name and address, the name and title of the SESA representative conducting the visit, the reason for the visit, and the names and titles of the persons contacted.

SC850.13.6.1.2. Section II. Federal Agency Functions. Section II. consists of questions about the Federal Agency's UCFE Program. The questions are divided into four main parts that are general administration, UCFE claims forms, appeals, and remarks.

SC850.13.6.2. Completion. The ES-939 is completed by the DOL or the SESA. Federal Agencies are not responsible for completing any part of that form. The Federal Agency shall be provided with a copy of the completed form. The program administrator must take action to ensure that the deficiencies noted on the report are corrected.

SC850.AP1. APPENDIX 1 TO SUBCHAPTER 850

GLOSSARY

SC850.AP1.1. Base Period. The timeframe determined by the State under its applicable law that is used by the State to determine how much an individual will be eligible to receive in unemployment compensation benefits. The base period is comprised of either 4 consecutive quarters or 52 weeks.

SC850.AP1.3. Claimant. An individual who has filed a claim for unemployment compensation benefits.

SC850.AP1.4. Department of Labor (DOL). The authority responsible for interpretation of the unemployment compensation for Federal employees (UCFE) law, and who is responsible for prescribing rules and regulations to implement the UCFE Program.

SC850.AP1.5. Federal Agency. Any Department, Agency, or Governmental body of the United States including any instrumentality wholly or partially owned by the United States, in any branch of the Government of the United States that employs any individual in Federal civilian service.

SC850.AP1.6. Federal Civilian Service. Service performed in the employ of a Federal Agency except service excluded by 20 CFR 609.2 (reference (c)).

SC850.AP1.7. Federal Employee. An individual who has performed Federal civilian service.

SC850.AP1.8. Federal Wages. All pay and allowances, in cash and in kind, for Federal civilian service.

SC850.AP1.9. Injury Compensation Unemployment Compensation System (ICUC System). The automated tracking system used by DoD injury and unemployment compensation professionals to manage and validate claims.

SC850.AP1.10. State Employment Security Agency (SESA). The agency of the State that administers the UCFE Program under the applicable State law based on an agreement with the Secretary of the Department of Labor.

SC850.AP1.11. State Law. The unemployment compensation law of a State approved by the Secretary of Labor.

SC850.AP1.12. Unemployment Compensation for Federal Employees (UCFE). A permanent program of unemployment compensation for unemployed Federal civilian employees. The UCFE Program provides a weekly income for a limited period of time for qualified unemployed Federal civilian employees. For the purposes of this subchapter, unemployment compensation (UC) is used interchangeably with UCFE.

SC850.AP1.13. Unemployment Compensation Program Administrator. The individual designated by the Civilian Personnel Officer who manages and is responsible for the UCFE Program at the installation level.